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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-second session

SUMMARY RECORD OF THE 11th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 2 May 2000, at 3 p.m.

Chairperson: Mrs. BONOAN-DANDAN

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GE.00-41788 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Initial report of Egypt (E/1990/5/Add.38; HRI/CORE/1/Add.19; E/C.12/Q/EGY/1; HR/CESCR/NONE/2000/6)

1. At the invitation of the Chairperson, the members of the delegation of Egypt took places at the Committee table.

2. The CHAIRPERSON welcomed the Egyptian delegation and invited it to make an introductory statement.

3. Mr. KHALIL (Egypt) said that the Egyptian Constitution provided the basis for all rights, freedoms and duties in Egyptian society and was therefore one of the most important instruments for the protection of human rights and fundamental freedoms in Egypt. Pursuant to article 151 of the Constitution, all international agreements, including the International Covenant on Economic, Social and Cultural Rights, were incorporated into national legislation. The Egyptian judiciary, in particular the Supreme Constitutional Court, also had a very important role in ensuring that economic, social and cultural rights were implemented effectively. Both the initial report and the written replies contained examples of decisions made by the Supreme Constitutional Court calling for the abolition of legislation that was contrary to the rights enshrined in the Constitution.

4. During the 1990s, a number of special authorities had been set up to conduct activities in various areas of human rights, including a department responsible for human rights within the Ministry of Foreign Affairs, an office for human rights within the Attorney-General's office and the National Council for Mothers and Children. In addition, a decree was being prepared on the establishment of a national council for human rights. Those measures were consistent with the declaration of the Vienna World Conference on Human Rights of 1993.

5. The efforts undertaken by the Government in the field of human rights were just as important as legal and judicial protection of those rights. Adequate provision for the needs of all citizens was the cornerstone of State programmes aimed at achieving social justice and the Government was constantly seeking to increase the resources allocated for that purpose. Respect for democracy, which was the starting point for achieving prosperity, had resulted from the establishment of a stable political and legislative system based on multi-party politics, free elections and an independent judiciary.

6. A number of fundamental reforms had enabled Egypt to meet the basic needs of its population, despite the fact that only a small percentage of its land was used for arable farming. Those reforms included the agrarian reform of 1952 and the transition in the 1980s from a socialist system to a free market economy. Egypt had also established a new legislative system for land tenure, rental of housing and trade and investment. The reforms sometimes had an

adverse impact on the most vulnerable sections of society, particularly in terms of their enjoyment of economic, social and cultural rights. However, the Government had tried to address that problem by implementing the reforms in a gradual manner, by adopting measures to safeguard the welfare of the most vulnerable people and by strengthening the role of the private sector and helping it to fulfil its responsibilities with regard to economic, social and cultural rights. The Government had succeeded in providing all villages with basic services such as water and electricity supply, health care and education. Health care was provided to all at a token price and education was provided free of charge.

7. The Government of Egypt was making continuous efforts to overcome the problem of illiteracy, as one way of tackling other long-standing problems such as domestic violence and low levels of skills and income. The age up to which education was compulsory had recently been raised from eight to nine years and 99 per cent of both boys and girls were enrolled in compulsory education. The number of school drop-outs had fallen to 1 per cent of primary school pupils and 3 per cent of those at secondary school. Efforts had been made to incorporate human rights teaching into the school curriculum. That had already contributed to changing the traditional mentalities that had previously prevailed, and were still sometimes encountered in remote rural areas. A five-year plan for 1997 to 2002 had been adopted with the aim of improving health care and social insurance, reducing unemployment, improving housing and standards of living, modernizing social infrastructures and increasing the economic growth rate. Progress had already been made in several of those areas and a total of 109.4 billion Egyptian pounds had been allocated to the social services sector overall, to be split between housing, utilities, education, health and other services.

8. Egypt was continuing its efforts to modernize its judicial system and had recently adopted an act that provided for certain judicial procedures relating to family law. It established the right of women to obtain a divorce and to receive alimony from their former husband and it prevented both husbands and wives from travelling abroad if they were not providing adequately for their children. The Government had also approved a law guaranteeing social security coverage for all.

9. Thanks to Egypt's continued political stability and its programme of economic reform, the annual growth rate of gross domestic product (GDP) for 1999 was expected to be 6.8 per cent, up from 4.7 per cent in 1994/95. That figure was more than double the population growth rate, which implied a steady improvement in the standard of living. Per capita GDP had also been rising steadily in recent years. The number of economically active persons had risen from 14,879,000 in 1994/95 to 15,825,000 in 1996/97 and inflation had fallen from 9.3 per cent in 1994/95 to about 6 per cent in 1996/97. The increased growth rates had led to a significant drop in unemployment, to 7.4 per cent in 1998/99. Several large-scale projects had been undertaken to provide radical solutions to Egypt's basic problems, such as the need to increase the amount of arable land. The increase in the average per capita income meant that Egypt had joined the ranks of the medium-income countries.

10. The Private Associations and Institutions Act No. 153 of 1999 had increased the scope and freedom of non-governmental organizations (NGOs). Some 15,000 NGOs were registered

in Egypt and they provided services to all citizens in the fields of social welfare, culture, health, education, the environment and local development. They played a particularly important role in providing services for women, children, the elderly and the disabled.

11. The Children's Act of 1996 had contained provisions designed to support mothers, including working mothers, and the Fourth World Conference on Women, held in Beijing in 1995, had given fresh impetus to Egypt's efforts to address issues affecting women. One of the most recent steps had been the adoption of a decree in February 2000 establishing a national council for women. Increasing numbers of women were being appointed to top positions, such as ministerial and ambassadorial posts. Other legislation had also been adopted guaranteeing the rights of the child.

12. Egypt's culture was a harmonious blend of the traditional and the modern, which provided a sound basis for the promotion of human rights and the protection of human dignity and solidarity.

13. The CHAIRPERSON invited the members of the Committee to put questions to the delegation of Egypt relating to points 1 to 6 on the list of issues.

14. Mr. TEXIER said that the rights enjoyed by NGOs according to the written reply to question 6 were contradicted by the adoption of the Private Associations and Institutions Act No. 153 of 1999, which had caused great concern among both Egyptian and international NGOs. Those organizations believed that the Act represented a threat to all independent organizations, whether political parties, trade unions or NGOs. Although the right to freedom of association was primarily covered by the International Covenant on Civil and Political Rights, trade union freedom was an issue that fell within the remit of the Committee on Economic, Social and Cultural Rights. The Committee attached great importance to dialogue with civil society, because it might present a different point of view from that of the State. It was also worrying that some provisions of the Act imposed prison sentences or fines in certain circumstances where NGOs were financed by foreign States or organizations. The majority of NGOs relied on that type of funding and the imposition of controls on foreign funding infringed the right to freedom of association and the right to form trade unions. He would therefore like to know whether the Government intended to modify or repeal the Act.

15. Mr. HUNT welcomed the fact that Egypt had hosted the Arab Regional Seminar on Human Rights and Development, held in 1999, and the fact that the United Nations Development Programme (UNDP) in Egypt had recently set up a pilot project for capacity-building in human rights. He would like to know whether the Government of Egypt might give serious consideration to drawing up a national action plan for human rights, as the Vienna World Conference on Human Rights of 1993 had recommended for all States.

16. He noted that wide-ranging macroeconomic reforms, supported by the World Bank and the International Monetary Fund, had been implemented in Egypt over the past few years and had generally had positive results, such as the improvement in growth rates. However, as in many other States, those economic reforms had had a significant impact on economic, social and cultural rights. He would like to know whether the Government of Egypt thought it would be

possible or worthwhile, in its negotiations with international financial institutions, to use the Covenant as a tool to help it resist reforms that would harm the rights of the most vulnerable groups in Egyptian society.

17. Mr. THAPALIA asked why Egypt had not ratified the 1961 Convention on the Reduction of Statelessness and the 1954 Convention relating to the Status of Stateless Persons. According to the initial report, judges were not liable to dismissal. Yet in some circumstances, such as cases of corruption, judicial immunity should be lifted. Could the delegation provide some clarification on that matter?

18. Mr. PILLAY, expressing satisfaction that all international conventions were considered an integral part of Egyptian law, pointed out that in order for people to enjoy the rights embodied in those instruments they must be aware of their existence. The Committee had heard that there was a human rights information programme for civil servants, but it had also been informed that the efforts of the Government to raise awareness of the rights enshrined in the Covenant were extremely limited. Could the delegation comment on that? The Committee had received information which indicated that NGOs were the subject of threats if they continuously reported human rights violations. However, according to the Government, NGOs were instrumental in taking cases of human rights abuses to court. The Government had provided information that organizations in the fields of environmental protection and consumers' rights were remarkably active. Was it in fact true that they brought cases before the courts in defence of the rights guaranteed by the Covenant?

19. Mr. CEVILLE asked whether reference could be made directly to the Covenant before the courts, or if it was necessary instead to refer to national laws. Question 3 in the list of issues had asked about the Government's position with respect to the draft optional protocol to the Covenant, and the reply to the question had been that it was still under consideration. Since the replies were already nearly a year old, could the delegation inform the Committee whether any progress had been made towards taking a position with regard to the protocol?

20. Mr. CEAUSU said that in paragraph 27 of the core document, there were no less than three references in a single sentence to "socialist" entities. Perhaps the text was a reflection of times past. He wondered why the text would have been worded in that way as late as 1993, and asked specifically what powers had been given by law to the Public Prosecutor in order to maintain commitment to "socialist behaviour". Had the legislation since been amended, or had the way in which such powers were granted been adapted to the changing times both within the country and within the international community?

21. Mr. SALAMA (Egypt) acknowledged Mr. Texier's comment that the quality of the dialogue with NGOs was an indicator of the status of the national dialogue concerning human rights. Egyptian NGOs clearly had not obtained all they had wished in the negotiations leading to the adoption of the Private Associations and Institutions Act No. 153 of 1999. However, the adoption of that law should be considered in context. An extensive and very open public debate had taken place prior to the legislative adoption of the Act, and the participation of the NGOs themselves in that process had been unprecedented. Perhaps that had added to their disappointment, as some aspects of the Act which they had considered as acquired rights had been altered when the bill was given final consideration in the legislature. The new Act had

replaced an anachronistic law dating back to 1964, a time when State control of such organizations had been considered normal. Clearly, progress had been made. While it was true that many major Egyptian NGOs had complained both in Egypt and at the United Nations of the provisions of the new law, for the most part those same organizations had in fact changed their status and had registered. The participation of Egyptian NGOs at the Committee's session testified to their vibrancy and effectiveness. Act No. 153 did indeed prohibit NGOs from engaging in politics or activities generally reserved for trade unions. However, nothing prevented members of such organizations in their individual capacity from engaging in politics or trade union activities through authorized political parties and trade unions.

22. One of the vestiges of the socialist period had been that there had been a multitude of laws allowing entities and establishments to take on a legal personality in one form or another, and many had given an ostensible reason for registering while their true purpose was quite different. The separation of the legal treatment of political groups a nd trade unions from that of NGOs was intended to avoid such ambiguity. In any event, the explanatory note for the enforcement of the Act, which had been adopted three months after the law had been promulgated, took into account all such considerations and clarified that the prohibition of political activities must be interpreted in the strict sense of the word, i.e. to mean that members of NGOs must not stand for election and must not campaign for a political party, etc.

23. The restrictions with regard to foreign financing were not a prohibition per se, but rather a form of regulation, with an established procedure for the prior approval of foreign financing. If such approval was not forthcoming, there was an expeditious and accessible appeals procedure. Egypt had been extremely active in the negotiations for the adoption of the Declaration on Human Rights Defenders, one article of which ensured that organizations should have the right to solicit funds, be it locally or internationally. The Government had issued no reservations in that regard. However, the same article stipulated that the right to do so must be governed in accordance with article 3 of the Declaration, which stated that the national legislation, consistent with the United Nations Charter and other obligations of the State, was the juridical framework in which all freedoms and liberties should be applied. The objective of ascertaining the source of foreign financing was to ensure that such resources were used for their stated purpose. There had been cases of manipulation whereby funds had been channelled to terrorist activities, for instance.

24. The headquarters of the Arab Organization for Human Rights, which was the leading human rights organization in the region, was located in Cairo. That organization was headed by an Egyptian who had long experience in human rights. Egypt was proud to be a primary supporter of the idea of technical cooperation in the field of human rights. One idea that the Government was currently developing with the assistance of the United Nations Office of the High Commissioner for Human Rights (OHCHR) was to broaden the scope of technical cooperation and break the mould of the donor-recipient dichotomy. Egypt had formally proposed that donations in kind, including the provision of expertise and know-how, could apply to many areas of cooperation within the purview of the OHCHR.

25. Egypt did not, to the best of his knowledge, invoke the rights guaranteed by the Covenant in its talks regarding the so-called "recipes" of the international financial institutions. The Government representatives involved in such negotiations were not generally from services

which dealt with human rights, and because they were not necessarily well versed in the provisions of the Covenant, it would not be their best tool in defending the country's interests. Perhaps the geopolitical and strategic position held by Egypt, especially in the 1980s, had been more useful to the Egyptian representatives in such negotiations. Because recipient Governments were not in a position of strength when they negotiated with the international financial institutions, they could not ensure the success of the rights-based approach. The only way to do so was through the efforts of bodies such as the Committee. In that sense, the letter sent by the Committee to the Third Ministerial Conference of the World Trade Organization in Seattle had been a landmark. In it, the Committee created a collective awareness of the legal relevance of the articles of the Covenant, and in particular of articles 2 and 23, which were suffering from disuse and atrophy.

26. Mr. KHALIL (Egypt) said that in the early 1990s Egypt had begun preparations for a national plan of action for human rights. In 1990 a special body had been established in the Ministry of Foreign Affairs, and a specialized human rights service had subsequently been set up within the Public Prosecutor's Office, followed by bodies devoted to the rights of the child and women's rights. Human rights had been introduced as a subject at all law faculties, police academies and training centres for members of the judiciary. A national human rights body was currently in preparation. All such steps had been taken as part of the effort to establish a national human rights plan covering all related fields.

27. With regard to the independence of the judiciary, the only way to challenge judicial immunity was through a specialized body. All such cases had to be handled by the supreme judiciary body, which was composed of senior judges. Corruption was of course a criminal offence, but the dismissal of a judge could only be ordered by the supreme judiciary body. The Government had not defined its position with regard to the numerous agreements and conventions concerning stateless persons, including unmarried women.

28. After ratification, the Covenant had been published and had been considered as enforceable legislation directly applicable by the courts. Many of the principles in the Covenant were also considered an integral part of the Constitution, and the national legislation therefore had to be adapted to the provisions of the Covenant. The Government considered that all individuals and organizations had the constitutional right to file complaints to the various bodies established for that purpose, which were obliged to investigate such matters. The Environmental Act gave special powers to environmental NGOs in the field of environmental protection, including the right to petition for remedies and compensation.

29. Mr. SALAMA (Egypt) said that the Egyptian Government felt that despite the progressive nature of the State's commitments, a complaint-based system would place even greater emphasis on the responsibility of the State. Perhaps still more importantly, the Government felt that the total absence of responsibility on the part of non-State actors was a source of concern. Non-State actors had acquired a very important role in the realization of economic, social and cultural rights in the world. On the other hand their lack of obligations and responsibilities was problematic. The Sub-Commission on the Promotion and Protection of Human Rights was addressing that question. The Committee's General Comments, and

specifically those devoted to education and food, were especially important in that regard, insofar as they underscored the importance of the responsibility of the international community, notwithstanding the fact that the primary responsibility was still incumbent upon the State.

30. Because of the progressive nature of the legal commitments undertaken under the Covenant, most of the application of its principles took place in courts dealing with constitutional cases rather than individual cases. When two interpretations of a legal text were brought before the Constitutional Court and one was found to be inconsistent with the spirit, logic and philosophy of an article of the Covenant, the Court would rule in favour of the other.

31. Mr. GRISSA said that there was apparently a contradiction in the law, as throughout the world trade unions were considered to be NGOs. If that were the case, and if NGOs were prevented from undertaking any trade union activities, then Egyptian trade unions would be effectively paralysed. Perhaps the delegation could provide some clarification on that point.

32. He had received information according to which members of the clergy intervened in civil cases in Egypt and interfered to prevent implementation of certain decisions and decrees handed down by the judiciary. Were they above the law? In some cases, members of the clergy had interfered in cases entirely unrelated to religion. For example, Dr. Abu Zeid had been forced to divorce his wife because he had been considered an apostate.

33. Mr. HUNT said that much as he welcomed the work in progress described by Mr. Salama and the numerous human rights activities being conducted in Egypt, what he wished to know was whether there was any coordinated and concerted national human rights plan of action in existence. If not, could the authorities be encouraged to give consideration to the matter?

34. Mr. TEXIER welcomed the fact that the Private Associations and Institutions Act governing NGOs had improved on the 1964 Act. There were still, however, a number of doubtful aspects relating to certain NGO activities, including trade union activity. Inasmuch as Egypt had experienced similar difficulties in other treaty bodies since 1980, the risk was there that the country might find pretexts for prohibiting such NGO activity. He suggested that the current a priori monitoring system should be replaced by a posteriori monitoring of NGO financing, whereby discovery of any infringement of the aims pursued or non-legal funding sources could be dealt with at that stage.

35. The CHAIRPERSON asked for clarification of what she perceived as a contradiction between Mr. Khalil's assertion that publication of the Covenant in the Official Gazette ensured its applicability in all courts and its use to criminalize certain actions, and Mr. Salama's that the Covenant applied more at the level of the Constitution than of the domestic courts. The issue was important since Egyptian NGOs had claimed that the Act contravened the Convention by denying them the right to strike.

36. Mr. SALAMA (Egypt) said the national legislation established specific conditions for the application of all the rights embodied in the Covenant. There was no contradiction because any national law that conformed with the Covenant was applicable. He also acknowledged the merit of Mr. Texier's suggestion for a posteriori monitoring.

37. Mr. KHALIL (Egypt) said the trade unions were regulated not by the Private Associations and Institutions Act governing national associations in the social, health, educational and environmental spheres, but the 1976 Trade Union Act, as amended, which respected the ILO conventions to which Egypt had acceded; trade unions were therefore subject to rules and conditions laid down in that law. Any trade union established as such was governed by international labour rules and standards.

38. Clerics and men of religion were expressly prohibited from interfering in rulings pertaining to crimes punishable by law. However, they were sometimes consulted by the authorities in cases of conflict just as any other specialist would be. If a judicial ruling was eventually based on their opinion, the judiciary was required to spell out its reasons for accepting that advice. The death sentence was the only subject on which the mufti had to be consulted.

39. Replying to a question from Mr. Hunt, he said that a national human rights plan of action had initially been set up in the early 1990s, based on the principle of establishing specialized authorities for each department at different levels in the field of human rights. Its most recent manifestation was the National Council for Human Rights. The police force, university professors and others received instruction in human rights as a starting point for more generalized human rights education, which would include integration of humanity-based human rights education in school curricula. That had already been done in basic education and would be developed by the end of 2000 in secondary education.

40. Replying to the Chairperson's question on the implementation of the Covenant, he said it was stated in the Constitution that once the Covenant had been incorporated into the law and had been published in the Official Gazette, it became part of national legislation, and the judiciary was required to oversee its implementation. The Covenant indicated that associations would be established in accordance with national legislation, which could determine ways of setting up private associations in the private sector. No law could prevent the exercise of such rights, a fact made abundantly clear by the Supreme Constitutional Court's rulings thereon. While certain segments of the population were barred from participation in specific activities, they were free to participate in associations. Any curtailment of that freedom was punishable under the Penal Code.

41. Mr. GRISSA, explaining that his previous question had referred to interference by clerics in decisions of the judiciary, cited the example of their de facto press censorship without authorization and the fact that they endeavoured to ensure that their views prevailed when they conflicted with those of the courts.

42. Mr. KHALIL (Egypt) said that men of religion enjoyed a certain standing in Egypt and he reiterated that their opinions as to whether certain writings or books were harmful to the faith could be sought and taken into account by the judiciary.

43. Mr. SALAMA (Egypt) added that the Government had also recently passed two resolutions prohibiting the demonization of a religion.

44. Mr. CEVILLE said that while the Covenant had constitutional status in Egypt, it also appeared that the Constitutional Court could declare a norm of the Covenant unconstitutional if it

did not conform to the constitutional norm. He asked whether the provisions of the Covenant had ever been invoked and whether there was any available jurisprudence that had emerged from claims of direct infringement of the Covenant.

45. Mr. KHALIL (Egypt) explained that, as he had stated earlier, the provisions of the Covenant were covered by the provisions of the 1971 Constitution adopted four years after Egypt's signing of the two international covenants in 1967, during which time it had acceded to other human rights conventions. When the lawmakers had drafted that Constitution, they had included all the provisions of those covenants and conventions, which had become constitutional rights and could not be breached. Such matter had often been brought before the Constitutional Court, which had issued a number of decrees on the right to work, the right to social security or to insurance on the grounds that the national legislation violated the constitutional rule. The country sought to abide by the rules and values of civilized society and they were taken into account by the Constitutional Court when declaring certain practices unconstitutional.

46. The CHAIRPERSON invited Committee members to put questions concerning articles 2 and 3 (questions 7-11 on the list of issues) to the delegation.

47. Mr. ANTANOVICH, joining his colleagues in welcoming the delegation, said he was impressed by the quality of the documents presented, which he was sure would make for constructive dialogue. Coming as he did from a country belonging to the Commonwealth of Independent States (CIS), which, like Egypt, were in the throes of transition from a socialist-oriented to a market-oriented economy, he knew from experience that the guarantee of economic, social and cultural rights was the first casualty of such a transition. Did Egypt have a policy for guaranteeing those rights during the transition? What problems had been encountered? Did any of them persist?

48. The written reply to question 8 of the list of issues, to the effect that some economic rights for non-nationals were guaranteed, particularly in regard to the right to work, the right to own property and the right to social insurance, implied that enjoyment of those rights was restricted. He sought clarification as to exactly which rights were affected, which category of aliens received preferential treatment, and how the Government ensured that those excluded were able to live.

49. Mr. WIMER ZAMBRANO joined in commending the excellence of the documents submitted by Egypt. However, there had been reports that the Christian Coptic minority was discriminated against in extensive social and economic areas. It would also be interesting to the Committee to learn what social relationship the country enjoyed with the Jewish community. Many Jews had emigrated during the war and it was admittedly difficult during a state of war to differentiate between Jews and Zionists. That having been said, could the delegation describe Egypt's general policy and practices with regard to Jews, as well as to Christians, who accounted for between 7 per cent and 10 per cent of the population, and its actual relations with those minorities?

50. Mr. MARCHAN ROMERO said the lengthy reply to question 10 on the list of issues had failed to describe exactly how the right to equality between men and women was being developed. Would the delegation disclose the results achieved through the inclusion of a female

component in the Socio-Economic Development Plan? In order to make its assessment, the Committee should also know to what extent the relevant programmes and measures implemented had actually increased women's participation in certain economic spheres. He asked whether any civil society organizations for promoting women had been established and which were their main areas of activity. As the delegation had said, the problems relating to women's inequality were entrenched in traditions which needed to be rooted out. For instance, could the delegation say whether the periodic women's conferences on gender equality (reply to question 10 on the list of issues) were held on a regular basis and what the outcome of their evaluation had been?

51. Mr. TEXIER echoing the previous speaker, said that all the indicators contained in Egypt's third periodic report, as well as its written replies, showed that inequality between men and women covered a broad spectrum. He asked what specific programmes the country was implementing to provide women with access to all types and levels of employment and not only to traditional women's jobs.

52. Mr. CEAUSU asked whether the foreign spouse of an Egyptian woman living in Egypt had the right to work there.

53. Mr. THAPALIA said that the 1999 Human Rights Report of the United States Department of State noted that, although the Egyptian Constitution contained provisions requiring equal treatment for men and women and for Muslims and non-Muslims, many problems remained. For example, an unmarried woman under the age of 21 needed the permission of an adult male family member to obtain a passport. There were no women judges and, to obtain Egyptian nationality, a child born in Egypt must have an Egyptian father. The size of the Coptic Christian population was understated in the statistics and they suffered considerable job discrimination. For example, there were no Coptic governors or members of the upper ranks of the army or police force. He would like to know what action the Government was taking to curb those practices and to respect the provisions of the Constitution.

54. Mr. PILLAY said that the Egyptian delegation claimed that the provisions of article 3 of the Covenant were reflected in the Egyptian Constitution, being accordingly enshrined in the law, and that there was, therefore, no discrimination on the basis of gender or religion. Information was available, however, that showed that Egyptian legislation in fact infringed on women's rights. For example, under the Penal Code, a man guilty of adultery could be sentenced to six months' imprisonment, while the penalty for women was imprisonment for two years. A wife who killed an adulterous husband was liable to 24 years' imprisonment; the penalty for a man was only 3 years. He asked why the Egyptian Government allowed those laws to continue to exist when they could easily be amended so as to be brought into conformity with article 3 of the Covenant and the Egyptian Constitution.

55. Mrs. JIMÉNEZ BUTRAGUEÑO asked what progress had been made in the last five years in regard to equal rights for women. She was particularly interested in the influence of women's organizations in Egypt, and she would like to know whether social attitudes towards polygamy had changed and whether progress had been made in outlawing genital mutilation. She noted that there were more women than men in Egypt, which should give them a degree of power. She would like more information on women's access to the legal profession in particular.

56. The CHAIRPERSON said that she would like more information on the divorce law. She understood that women could avail themselves of the right to divorce but that it was a very lengthy process. Apparently, if a woman wanted to obtain a divorce quickly, she could do so subject to certain conditions which included waiving all her financial rights. It was not clear whether custody of the children of the marriage was also affected. She would appreciate further clarification in that regard.

57. Mr. KHALIL (Egypt) said that the social and political problems regularly encountered in the transition from a socialist to a market economy tended to be more difficult in a developing country such as Egypt. The Government had been obliged to move slowly in order to avoid sudden changes that could lead to inflation and social disruption. Social services accounted for more than a quarter of the State budget and in order to maintain the level of employment the Government needed to provide 600,000 new jobs a year. Wages had been increased very gradually but were still low.

58. The conditions governing the right to work of non-nationals were listed in the Egyptian report. In general, Egypt was a labour exporter. There was, however, a demand for non-national workers having special technical skills that could be advantageous to society in general. The employment of non-nationals was, therefore, permitted in the context of investment aimed at raising the general level of employment. A non-national married to an Egyptian spouse and living in Egypt could obtain a work permit from the Ministry of Manpower. He would have the right to own property and to benefit from national insurance.

59. A number of questions had been asked about the rights and treatment of the Coptic minority. He emphasized that Egypt was a unified society embracing all types of religion. Copts and other Christians in Egypt were Egyptian citizens subject to Egyptian law and having the rights and duties applicable to all Egyptians. Coptic Christians had been part of Egyptian society for hundreds of years and their active participation in all fields of endeavour was recognized and encouraged. Copts had occupied many important posts in the Administration, from the prime ministership to the top ranks of government departments. One of the judiciary bodies was currently headed by a Christian and many members of the police and armed forces were Copts. There was no law discriminating against them. The only area in which special legislation on grounds of religion applied was family affairs, such as marriage, divorce and inheritance.

60. On the question of equality between men and women and the measures introduced in the Socio-Economic Development Plan to secure the advancement of women, he said that one of the most important challenges was to overcome the general illiteracy among older women. The problem of girls' education was gradually being solved. Some schools now had more girl pupils than boys and the drop-out rate among girls in both primary and secondary schools had been considerably reduced. The kind of employment that women could enjoy depended on their skills and experience and it would, of course, take time for the educational system to provide all women with skills that would allow them to enter the professions. In some areas of activity, they were already more numerous. For example, there were two women ministers in the present Government and women held important positions in the diplomatic corps. There were also some women magistrates and members of Parliament.

61. A considerable effort had been made to modernize the Egyptian legislative structure. The task of simplifying administrative, legal and judicial procedures had been carried out with the participation of a number of NGOs. Women's organizations in particular had been consulted on the question of the nationality of the children of Egyptian mothers. Since Egypt was a very crowded country, nationality relied on jus sanguinis rather than jus solis, the nationality of the father having priority. Recently, however, as the result of the efforts of women's organizations, legislation had been enacted exempting the children of Egyptian mothers from university fees. Other successes achieved by women's organizations included having the widespread practice of genital mutilation classified as a crime.

62. Reference had been made to women's rights other than the right to work. He assured the Committee that the penalties applied under the Penal Code did not infringe the rights of women. Up to the age of 21, all children were subject to their parents. Girls were able to marry on reaching the age of 16, while the minimum age for boys was 18. Women enjoyed full rights of inheritance and could own property separately from their husbands. Regarding permission to travel, if either a wife or husband wished to leave the country and the other did not agree, the matter was referred to a magistrate to be decided in the light of the interests of the family as a whole. Women's organizations had also been consulted in respect of health conditions for women. Details of the progress made in lowering the death rate and reducing the number of abortions were contained in the report.

63. In response to the remarks of the Chairperson, he said that, under the amended law governing family affairs, a new system had been instituted whereby a woman could apply for divorce and, if there was no reconciliation within a stipulated period of time the divorce would be granted on condition that the woman renounced all personal financial rights resulting from the marriage. The rights of the children were not affected. Under the new system, a final judgement could be obtained after six months. The father's obligations to the children would continue, as would the wife's rights to custody.

64. Mr. SALAMA (Egypt) said that the new law on divorce was an example of the new or enlightened interpretation of the Islamic shariah that had emerged from recent debates. A number of women's non-governmental organizations were strongly in favour of the changes, although in some conservative circles they were seen as being too feminist. In a case currently before the courts, a woman applying to become a magistrate was challenging the constitutionality of the regulations imposed by the Ministry of Justice. Elements of the shariah had been used to give legitimacy to the new divorce regulations, showing that the social system could be modernized without discarding religious tradition. It would be interesting to know, since there was in fact no discrimination against Copts, where those allegations originated. The hostility shown towards non-Muslims by certain fanatical groups had nothing to do with Islam. The Government's education programme concentrated on promoting a culture of tolerance.

65. One of the major obstacles subsisting from the socialist era concerned the right to adequate housing. Under the 1962 legislation, rents had been frozen, which manifestly discriminated against landlords. Given the very large number of tenants, however, the sudden unfreezing of rents would have a very destabilizing effect on the economy. The Government's

approach had been to move gradually to unfreeze rents in new rental contracts. Progress had been made over the last five years in regard to the renting of farmland, but housing presented a more difficult problem.

66. The CHAIRPERSON said that, in order to draft its concluding observations, the Committee needed to know the real facts of the situation in Egypt regarding economic, social and cultural rights. Some very specific questions had been asked about equality between men and women but the answers given had been vague and general. She urged the delegation to be more factual and forthright in its responses than it had been so far.

The meeting rose at 6 p.m.